S.B. Civil Contempt Petition No.571/02

25.01.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. N.K. Maloo, Advocate for petitioner.
Mr. Ajeet Bhandari, Advocate for respondent.

This contempt petition was filed way back on 9.12.2002 on the allegations that the respondents in spite of being informed about the stay order passed by this Court on 9.10.2001 have violated the same and thereby committed contempt of Court making themselves liable to punishment under Section 12 of the Contempt of Courts Act. This Court by the aforesaid order had stayed operation of the judgment dated 4.10.2001 passed by Divisional Commissioner, Jaipur.

Learned counsel for the respondents submits that pursuant to the

aforesaid order passed by Divisional Commissioner, the land in dispute has been entered in the name of Jaipur Development Authority in revenue records on 6.10.2001 and the stay order was thereafter passed on 9.10.2001. Having come to know about the stay order they restrained from entering the disputed land and have been maintaining status quo about the same. This contention is refuted by the learned counsel for the petitioner who submits that the respondents not only entered the land in dispute but also demolished the boundary wall and have thus committed deliberate contempt of the Court. Learned counsel for the respondent further submits that in view of the fact that the writ petition out of which present contempt petition arises has itself been allowed

and the matter has been remanded back to the Divisional Commissioner for rehearing where again another order in favour of the petitioner has been passed, apology tendered by the respondent should be accepted and they may be pardoned.

In the facts of the case, instead of proceeding to entertain the contempt petition, I deem it appropriate to allow the request of learned counsel and accordingly the apology is accepted. The contempt petition is dismissed and notices stands discharged.

(Mohammad Rafiq),J.

RS/-